

## **TA #16-03 Amend Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances**

### **PART 1: DESCRIPTION**

Text Amendment, TA #16-03, is a request by the Town of Huntersville to amend Article 8.25.11 S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to reflect changes made by House Bill 276, ratified by State Legislature on June 10, 2013.

### **PART 2: BACKGROUND**

State Legislature ratified House Bill 276, which became effective October 7, 2013. On September 24, 2013, Town Board members voted to amend Article 11.3.1-2 to comply with House Bill 276. Text Amendment #16-03 was initiated to clean up references in Article 8.25.11 pointing to the Board of Adjustment criteria found in Article 11.3.1-2.

The Land Development Ordinance Advisory Board (LDOAB) reviewed the proposed amendment at their June 2, 2016 meeting and recommended approval (8-0).

### **PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS**

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan that may be incorporated into the Board's statement of consistency for approval or denial of the request.

**Policy ED-14: Development Review Process** – Support efforts to improve efficiency and responsiveness of development review process for development proposals.

### **PART 4: STAFF RECOMMENDATION**

Staff recommends amending Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances. The recommendation is based on:

- Consistency with policy of the Huntersville Community Plan listed above.
- Amending Article 8.25.11 cleans up reference links in the Town's Zoning Ordinance.

### **PART 5: PUBLIC HEARING**

The Public Hearing was held on June 6, 2016. No comments from the public or Town Board members were received.

### **PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board meeting was held on June 28, 2016. The Planning Board recommended unanimous (9-0) approval of the Text Amendment as presented.

**PART 7: ATTACHMENTS AND ENCLOSURES**

Attachment A: Text Amendment Application  
Attachment B: Proposed Ordinance

**PART 8: STATEMENT OF CONSISTENCY – TA #16-03**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-03, to amend Article 8.25.11 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy ED-1.14 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because, the approval process is streamlined while maintaining adequate public input.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-03, to amend Article 8.25.11 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with The Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because the approval process is streamlined while maintaining adequate public input.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-03, to amend Article 8.25.11 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
		<p><b>DENIAL:</b> In considering the proposed amendment, TA 16-03, to amend Article 8.25.11 of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>



# Text Amendment Application

*Incomplete submissions will not be accepted.*

## Applicant Data

Date of Application 4-1-16

Name Huntersville Planning Department

Address 105 Gilead Road, 3rd Floor, Huntersville, NC 28078

Phone Number (home) N/A (work) 704-875-7000

Email mnesbitt@Huntersville.org

## Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee

\$400.00

## Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

## Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 8 Section: 8.25.11

Current Text: Attached

Proposed Text: Attached

Reason for requested change (attach additional sheets if necessary): To reflect changes made by House Bill 276.

**NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.**

## Signatures

I hereby certify that the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Applicant Signature: Meredith M. Nesbitt Date: 4-1-16

## Contact Information

**Town of Huntersville**  
**Planning Department**  
PO Box 664  
Huntersville, NC 28070

Phone: 704-875-7000  
Fax: 704-875-6546  
Physical Address: 105 Gilead Road, Third Floor  
Website: <http://www.huntersville.org/Departments/Planning.aspx>

**AN ORDINANCE TO AMEND ARTICLE 8.25.11 S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances.**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

8.25.11 Appeals and Variances.

- a) An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of Section 11.3 of these ordinances.
- b) Special Variance Provisions/Mitigation Techniques.
  - When “~~practical difficulties or unnecessary hardships~~”, as defined in Section 11.3.2 f ~~e~~ , would result from strict adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the Huntersville Board of Adjustment in compliance with the procedures and standards of Section 11.3.
  - Site specific mitigation plans using the mitigation techniques set out below and approved by the designated agency shall be construed by the Board of Adjustment to be evidence responsive to Section 11.3.2 f ~~e~~ ), subparagraph 1) ~~(b) and 1) (c)~~ **4** – consistency with adopted plans and protection of public safety and welfare. Specifications for these mitigation techniques are provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines (for Structural BMPs). The techniques below are not construed to offset the requirement of Section 8.25.6 for diffuse flow.